

## **REMARKS**

The present application has been reviewed in light of the Final Office Action mailed on July 23, 2008 and the Notice of Non-Compliant Amendment mailed on January 23, 2009. Claims 1, 2, 4-27, 49-54 and 59-81 are pending in the application with Claims 1, 14, 19, 27, 59, 64, 66 and 78 being in independent form. Claims 59-81 have been added. Claims 57 and 58 have been cancelled herein.

### **Response to the Notice of Non-Compliant Amendment**

The Notice of Non-Compliant Amendment states that the Amendment filed on October 21, 2008 does not comply with the requirement of the MPEP. The reason given is that the Amendment does not present arguments pointing out the specific distinctions believed to render the added claims patentable over any applied references. It is respectfully submitted that new independent Claims 59, 64, 66 and 78 are patentable over the applied references for the following reasons.

With respect to new independent Claim 59, the applied references do not disclose or suggest at least “means for providing the user with an option to enable loaning of funds if a payment source corresponding to the user has insufficient funds for effecting payment for at least one transaction conducted via the electronic auction web site...means for loaning funds for effecting the at least one payment if the payment source corresponding to the user has insufficient funds for effecting the at least one payment and authorization from the user has been received, wherein the payment system is in operative communication with the electronic auction system, and wherein the payment source corresponding to the user is a payment account maintained by the payment system and accessible by the user via at least one web page of the electronic auction web site,” as recited by new independent Claim 59.

With respect to new independent Claim 64, the applied references do not disclose or suggest at least “means for receiving payment authorization via a graphical user interface from the user of the electronic auction web site prior to a conclusion of an electronic auction conducted via the electronic auction web site to automatically loan funds thereto for effecting the at least one payment, wherein the at least one payment is related to the electronic auction web site-related transaction; and means for loaning funds by at least one of a payment system of the electronic auction system and an external financial system for automatically effecting the at least one payment following the conclusion of the electronic auction without receiving additional payment authorization from the user following the conclusion of the electronic auction,” as recited by new independent Claim 64.

With respect to new independent Claim 66, the applied references do not disclose or suggest at least “providing the user via a graphical user interface with an option to enable loaning of funds for at least one transaction conducted via the electronic commerce web site...enabling the display to the user of at least two payment sources for effecting the at least one payment, wherein one of the at least two payment sources is a payment account corresponding to the user and one of the at least two payment sources is a loaning funds payment source; loaning funds by the payment system via at least the loaning funds payment source for effecting the at least one payment if authorization from the user in response to the option has been received, wherein the payment system is in operative communication with the electronic commerce system and maintains a payment segment of the electronic commerce system and a plurality of payment accounts, including the payment account corresponding to the user; and enabling access to the payment account

corresponding to the user and maintained by the payment system via at least one web page of the electronic commerce web site,” as recited by new independent Claim 66.

With respect to new independent Claim 78, the applied references do not disclose or suggest at least “means for providing the user via a graphical user interface with an option to enable loaning of funds for at least one transaction conducted via the electronic auction web site...means for enabling the display to the user of at least two payment sources for effecting the at least one payment, wherein one of the at least two payment sources is a payment account corresponding to the user and one of the at least two payment sources is a loaning funds payment source; means for loaning funds by the payment system via at least the loaning funds payment source for effecting the at least one payment if authorization from the user in response to the option has been received, wherein the payment system is in operative communication with the electronic auction system and maintains a payment segment of the electronic auction system and a plurality of payment accounts, including the payment account corresponding to the user; and means for enabling access to the payment account corresponding to the user and maintained by the payment system via at least one web page of the electronic auction web site,” as recited by new independent Claim 78.

New dependent Claim 66 which was introduced into the present application via the Amendment filed on October 21, 2008 has been removed. Applicants noticed that claim number 66 was already used to identify new independent Claim 66. Therefore, in order to avoid redundant use of the same claim number, Applicants elected to remove dependent Claim 66 rather than renumber the claims subsequent to independent Claim 66.

**Text from the Previous Amendment Filed On October 21, 2008**

In the Final Office Action, Claims 57 and 58 were withdrawn from consideration.

Applicants have cancelled these two withdrawn claims.

Claims 1, 3, 4, 7, 11-14, 16, 19, 20, 23, 25, 27 and 50-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dent et al., U.S. Patent Application Publication No. 2002/0026396 (“Dent et al.”). Applicants have amended independent Claims 1, 14, 19 and 27 in a manner which is believed to better clarify and patentably distinguish Applicants’ claimed subject matter over the disclosure of Dent et al.

Dent et al. is cited by the Examiner with respect to independent Claims 1, 14, 19 and 27. Claims 1, as currently presented, recites the following:

A method for effecting at least one payment for a user of an electronic auction web site maintained by an electronic auction system, said method comprising the steps of:

providing the user via a graphical user interface with an option to enable loaning of funds for at least one transaction conducted via the electronic auction web site;

receiving authorization by a payment system from the user of the electronic auction web site in response to the option to loan funds thereto for effecting the at least one payment;

enabling the display to the user of at least two payment sources for effecting the at least one payment, wherein one of the at least two payment sources is a payment account corresponding to the user and one of the at least two payment sources is a loaning funds payment source;

loaning funds by the payment system via at least the loaning funds payment source for effecting the at least one payment if authorization from the user in response to the option has been received, wherein the payment system is in operative communication with the electronic auction system and maintains a payment segment of the electronic auction system and a plurality of payment accounts, including the payment account corresponding to the user; and

enabling access to the payment account corresponding to the user and maintained by the payment system via at least one web page of the electronic auction web site.

Dent et al. does not disclose or suggest at least the underlined claimed language shown above for Applicants’ independent Claim 1, and similarly recited by Applicants’ independent Claim 19.

Claim 14, as currently presented, recites the following:

A method for effecting at least one payment for a user of an electronic auction web site, said method comprising the steps of:

providing the user with an option to enable loaning of funds if a payment source corresponding to the user has insufficient funds for effecting payment for at least one transaction conducted via the electronic auction web site;

receiving authorization from the user to use a payment source corresponding to the user in response to the option for effecting the at least one payment and to loan funds to the user if the payment source has insufficient funds;

determining if the payment source corresponding to the user has sufficient funds for effecting the at least one payment; and

loaning funds for effecting the at least one payment if the payment source corresponding to the user has insufficient funds for effecting the at least one payment and authorization from the user has been received, wherein the payment system is in operative communication with the electronic auction system, and wherein the payment source corresponding to the user is a payment account maintained by the payment system and accessible by the user via at least one web page of the electronic auction web site.

Dent et al. does not disclose or suggest at least the underlined claimed language shown above for Applicants' independent Claim 14.

Claim 27, as currently presented, recites the following:

A method for effecting at least one payment for a user of an electronic auction web site maintained by an electronic auction system, said method comprising the steps of:

receiving payment authorization via a graphical user interface from the user of the electronic auction web site prior to a conclusion of an electronic auction conducted via the electronic auction web site to automatically loan funds thereto for effecting the at least one payment, wherein the at least one payment is related to the electronic auction web site-related transaction; and

loaning funds by at least one of a payment system of the electronic auction system and an external financial system for automatically effecting the at least one payment following the conclusion of the electronic auction without receiving additional payment authorization from the user following the conclusion of the electronic auction, wherein the payment system and the external financial system are in operative communication with the electronic auction system.

Dent et al. does not disclose or suggest at least the underlined claimed language shown above for Applicants' independent Claim 27. Since at least one element cited by Applicants' independent Claims 1, 14, 19 and 27 is not disclosed or suggested by the prior art reference, i.e., Dent et al., the rejection under 35 U.S.C. § 102(e), Applicants

respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent Claims 1, 14, 19 and 27.

Claims 3, 4, 7, 11-13, 16, 20, 23, 25 and 50-54 depend directly or indirectly from independent Claims 1, 14, 19 and 27 and therefore include the limitations of independent Claims 1, 14, 19 and 27. Therefore, for at least the reasons given above for independent Claims 1, 14, 19 and 27, dependent Claims 3, 4, 7, 11-13, 16, 20, 23, 25 and 50-54 are patentable over Dent et al. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of Claims 3, 4, 7, 11-13, 16, 20-, 23, 25 and 50-54 are respectfully requested.

Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dent et al.

Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 depend directly or indirectly from independent Claims 1, 14 and 19 and therefore include the limitations of independent Claims 1, 14 and 19. Therefore, for at least the reasons given above for independent Claims 1, 14 and 19, dependent Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 are patentable over Dent et al. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 are respectfully requested.

New Claims 59-81 recite features which are also not disclose or suggested by Dent et al. or other references of record. Accordingly, allowance of new Claims 59-81 is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application are patentable over the art of record and allowance thereof is earnestly solicited.

Respectfully submitted,



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